

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

***SECOND APPEAL NO. 152 OF 2015.
Along with
Civil Application No. 316 of 2015.***

Century Automobiles Poona ... Appellant /
Applicant.
V/s.

Pune Municipal Corporation & anr. ... Respondents.

Mr.Parag Tilak a/w Mr.Akshay Petkar, for the Appellant/Applicant.
Mr.Rajdeep Khadapkar, for Respondent Nos.1 & 2.

***Coram : N.M. Jamdar, J.
Wednesday 27 April, 2016.***

P.C. :-

On 15 April 2016 following order was passed-

'On 24 February 2015 this Court had passed following order

'1. Issue Notice to the respondents, returnable on 16th March, 2015.

2. Mr.Damle, the learned senior counsel appearing for the appellants, upon instructions from Mr.Bharat Thakkar, General Manager of the appellant, who is present in the court states that the appellant will remove the "raised otta" admeasuring 1'6" x 50'0" x 20'0", as mentioned in the Notice dated 13th December, 1999, on or before the returnable date.

3. The appellants also desire to apply for the regularisation of the second unauthorised construction i.e.

construction of a mezzanine floor.'

2. The learned counsel for the Respondent-Corporation seeks time to take instructions whether clause (1) of the above order has been complied with. The learned counsel for the Appellant also seeks time to take instructions whether the Application for regularisation as contemplated in clause (3) has been made. Stand over to 27 April 2016 for 'directions'. Before the next date the Appellant will comply with statement made in clause (2). Since the application is made for regularisation in respect of construction of mezzanine floor it presupposes that the Appellant accepts that the structure is not legal. The Appellant will make his stand clear on the next date'.

2. The learned counsel for the Appellant states that the Appellant is desirous of approaching the Municipal Corporation for regularisation of the structure. This application presupposes that the structure is not legal. The application for regularisation will be considered by the Municipal Corporation as per law and as per its rules. Nothing further survives for adjudication in this Appeal, which is accordingly disposed of. Civil Application stands disposed of.

(N.M. Jamdar, J.)